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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	ORDER DENYING DEFENDANT'S
)	MOTION TO RECONSIDER THE ORDER
vs.)	TO DETAIN DEFENDANT PENDING
)	TRIAL
JAMES LOW,)	
)	
Defendant.)	
_____)	

ORDER DENYING DEFENDANT'S MOTION TO
RECONSIDER THE ORDER TO DETAIN DEFENDANT PENDING TRIAL

The Defendant's Motion to Reconsider the Order to Detain Defendant James Low, (hereinafter "Defendant") Pending Trial came on for hearing on May 15, 2006, before the Honorable Kevin S.C. Chang, United States Magistrate Judge, with Mark A. Inciong, Assistant United States Attorney, appearing on behalf of

the United States, and James Low appearing on behalf of himself with Richard Kawana, Esq. appearing as standby counsel.

Upon consideration of the Defendant's Motion, the Pretrial Services Reports submitted in connection with this matter, the previous detention order, this Court finds that:

1. There has been no change in circumstances which merit any reconsideration or modification of the order to detain the Defendant pending trial.

2. There continues to be insufficient evidence to rebut the presumption established that there is no condition or combination of conditions of release which will reasonably assure the safety of any other person and the community and Defendant's appearance, given his criminal history along with the other facts and circumstances of this matter.


3. There continues to be no condition or combination of conditions of release which will reasonably assure the Defendant's appearance as required pursuant to 18 U.S.C. § 3142(e).

IT IS HEREBY ORDERED that the Defendant's Motion to Reconsider the Order to Detain Defendant Pending Trial is denied. Defendant is to remain detained without bail. Pursuant to 18 U.S.C. § 3142(I), it is further ordered that Defendant continue to be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent

practicable, from persons awaiting or serving sentences or being held in custody pending appeal; Defendant shall continue to be afforded reasonable opportunity for private consultation with defense counsel and upon order of this Court or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver this person to a United States Marshal for the purpose of appearances in connection with court proceedings.

DATED: May 22, 2006, at Honolulu, Hawaii.




Kevin S.C. Chang
United States Magistrate Judge

United States v. Low

CR. No. 05-00260 JMS

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to Reconsider the Order to Detain
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